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12/5/05

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE amending and reordaining the Code of the City of Roanoke (1979), as amended, by repealing Chapter 36.1, Zoning, consisting of §§36.1-1 through 36.1-730, and enacting Chapter 36.2, Zoning, consisting of §§36.2-1 through 36.2-840, and accompanying Appendices A, B and C, such Chapter 36.2 being a comprehensive revision of the zoning regulations of the City; and dispensing with the second reading by title of this ordinance.

WHEREAS, on August 20, 2001, City Council adopted Vision 2001-2020 ("Comprehensive Plan"), a new Comprehensive Plan for the City, which plan has necessitated a comprehensive revision of the City's zoning regulations;

WHEREAS, the City conducted ten (10) stakeholder focus group sessions on June 25, June 26, and August 1, 2002, with sign industry representatives, neighborhood group leaders, land use attorneys, regional development leaders, business leaders, design and development professionals, and governmental boards and commissions, to identify opportunities and issues relating to growth and development in the City and to identify regulations which needed to be amended or adopted;

WHEREAS, the City conducted a housing issues roundtable on July 31, 2002, to which representatives of various groups interested in, and knowledgeable about, housing issues in the City were invited, and a public forum on August 1, 2002, to which the general public was invited, to identify additional opportunities and issues relating to growth and development in the City and to identify zoning regulations which needed to be amended or adopted;

WHEREAS, in July 2002, the City Manager appointed a Steering Committee consisting of representatives from the stakeholder groups, City Council, the Planning Commission for the City of Roanoke ("Planning Commission"), the Board of Zoning Appeals for the City of Roanoke, the

Architectural Review Board for the City of Roanoke, and City staff, to provide direction for the development of the new zoning ordinance, to review and revise draft zoning regulations, and to provide on-going feedback during the process;

WHEREAS, from September 2002 until December 2003, the Steering Committee conducted twenty-five (25) sessions to review and revise the draft zoning regulations;

WHEREAS, in February 2004, the Steering Committee released for public discussion a draft of the new zoning ordinance;

WHEREAS, on March 8, March 12, March 16, March 17, March 18, March 22, March 23, March 25, March 29, March 30, April 1, April 5, April 6, April 13, April 28 and April 29, 2004, City staff conducted six (6) public open houses and eleven (11) stakeholder focus group sessions with sign industry representatives, neighborhood group leaders, land use attorneys, business leaders, homebuilders, design and development professionals, and real estate industry representatives, to elicit public comment pertaining to the draft of the new zoning ordinance;

WHEREAS, to provide for public awareness of the open houses and the stakeholder focus group sessions, the City (1) placed two (2) easels and flyers with calendars, indicating the dates, times and locations of the open houses and sessions, in the lobby area of the Municipal Building and in the Departments of Housing and Neighborhood Services and Planning, Building and Economic Development, (2) posted open house schedules on the RVTM Message Board, (3) published two (2) block advertisements in the Roanoke Times, advertising the open house schedules, (4) placed drafts of the zoning ordinance in all branches of the City of Roanoke public library, (5) mailed a copy of the draft ordinance, with an explanation of the public comment process and how to participate in such process and provide input, to all neighborhood group leaders, (6) set up and staffed an information and comment table on Citizen Appreciation Day on April 17, 2004, at Valley View Mall, (7) conducted meetings with, and gave presentations to, neighborhood and civic organizations,

including the Roanoke Neighborhood Advocates, Downtown Roanoke, Inc., Williamson Road Area Business Association, the Roanoke Regional Chamber of Commerce, the Roanoke Regional Homebuilders Association, Neighbors in South Roanoke, Old Southwest, Inc., the Gilmer Neighborhood Steering Committee, and the Gainsboro Steering Committee, and (8) posted on the City's web site a copy of the draft zoning ordinance, which posting was viewed 1,117 times during the February 2004 to May 2004 period;

WHEREAS, from February 2, 2004 until May 31, 2004, the City documented more than 1,100 comments, including those on the draft zoning ordinance;

WHEREAS, beginning in June 2004, the Steering Committee met fourteen (14) times to consider all of those documented comments on the draft zoning ordinance and to recommend changes to the draft zoning ordinance;

WHEREAS, in December 2004, the Steering Committee completed its assigned task and presented to the Planning Commission a draft zoning ordinance for the City;

WHEREAS, between December 2004, and July 2005, City staff continued to meet with various civic and neighborhood organizations, including Old Southwest, Inc., Riverland Alert Neighbors, Gilmer Neighborhood, the Greater Raleigh Court Civic League and the Williamson Road Area Business Association, as well as individual property owners by request, regarding the draft zoning ordinance, to oversee questions and to elicit additional public comment;

WHEREAS, public news releases, newspaper articles, status reports and communications were disseminated by the City throughout the process to advise interested persons of the status of the process;

WHEREAS, after due and timely public notice, including a legal advertisement consisting of a special insert published on two dates, one week apart, in a newspaper of general circulation in the City of Roanoke in which all interested persons were advised of the City's intent to repeal Chapter

36.1, Zoning, and to adopt a new Chapter 36.2, Zoning, a descriptive summary of the terms of which was contained in the insert, the Planning Commission held a public hearing on July 28, 2005, on the draft zoning ordinance;

WHEREAS, in addition to the published legal advertisement described in the preceding paragraph, the City sent by first-class mail to all owners of the approximately 44,000 parcels of real estate in the City of Roanoke notice of (1) the City's intent to repeal Chapter 36.1, Zoning; (2) the City's intent to adopt a new Chapter 36.2, Zoning; (3) a descriptive summary of the terms of the new Chapter 36.2, Zoning; and (4) the date, time and place, of the Planning Commission's public hearing at which the new Chapter 36.2, Zoning, would be considered;

WHEREAS, following the Planning Commission's public hearing on July 28, 2005, the Planning Commission held fifteen (15) work sessions during which it considered the new Chapter 36.2, Zoning, and all comments received pertaining to it;

WHEREAS, the City Clerk for the City of Roanoke placed a notice on the public calendar in her office for all Steering Committee meetings, all Planning Commission work sessions and the public hearing held on July 28, 2005;

WHEREAS, on September 29, 2005, the Planning Commission unanimously recommended to City Council Chapter 36.2, Zoning, and on November 4, 2005, the Planning Commission unanimously certified Chapter 36.2, Zoning, to City Council;

WHEREAS, a public hearing was held on the new zoning ordinance by City Council at its meeting on November 21, 2005, after due and timely public notice thereof, including a legal advertisement consisting of a special insert published on two dates, one week apart, in a newspaper of general circulation in the City of Roanoke in which all interested persons were advised of the City's intent to repeal Chapter 36.1, Zoning, and to adopt Chapter 36.2, Zoning, a descriptive summary of the text of which as recommended by the Planning Commission was contained in the

insert, at which hearing all parties in interest and citizens were given an opportunity to be heard;

WHEREAS, after such public hearing, City Council revised Chapter 36.2, Zoning, as the same was recommended by the Planning Commission, to address comments and concerns stated at the public hearing;

WHEREAS, this Council, after considering the proposed zoning ordinance, as revised, is of the opinion that the proposed zoning ordinance, as revised, helps promote and provide for adequate light, air, convenience of access; safety from flood, fire, crime and other dangers; reduce or prevent congestion in the public streets; facilitate the creation of a convenient, attractive and harmonious community; facilitate the provision of adequate police and fire protection, disaster evacuation, civil defense, transportation, water, sewerage, flood protection, schools, parks, forests, playgrounds, recreational facilities, airports and other public requirements; protect against destruction of, or encroachment upon, historic areas; protect against overcrowding of land, undue density of population in relation to the community facilities existing or available, obstruction of light and air, danger and congestion in travel and transportation, and loss of life, health, or property from fire, flood, panic or other dangers; encourage economic development activities that provide desirable employment and enlarge the tax base; provide for the preservation of agricultural and forestal lands and other lands of significance for the protection of the natural environment, approach slopes and other safety areas of licensed airports; and promote the creation and preservation of affordable housing suitable for meeting the current and future needs of the City, as well as a reasonable proportion of the current and future needs of the planning district within which the City is situated; and

WHEREAS, this Council, after considering the proposed zoning ordinance, as revised, is of the opinion that the proposed zoning ordinance, as revised, is consistent with Vision 2001- 2020, the City's Comprehensive Plan, is required by the public necessity, convenience, general welfare, is good zoning practice, and ought to be adopted in order to implement the Comprehensive Plan.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke as follows:

1. Chapter 36.1, Zoning, consisting of §§36.1-1 through 36.1-730 of the Code of the City of Roanoke (1979), as amended, is hereby REPEALED.

2. The Code of the City of Roanoke (1979), as amended, is amended and reordained by the addition of a new Chapter 36.2, Zoning, consisting of §§36.2-1 through 36.2-840, and accompanying Appendices A, B and C, to read and provide as set out in the copy of such Chapter 36.2 attached to the City Manager's letter dated December 5, 2005, to City Council, and filed with the City Clerk.

3. A landowner's rights shall be deemed vested in a land use and such vesting shall not be affected by the adoption of Chapter 36.2, Zoning, of the Code of the City of Roanoke (1979), as amended, if the landowner (i) obtains or is the beneficiary of a significant affirmative governmental act which remains in effect, allowing development of a specific project, (ii) relies in good faith on the significant affirmative governmental act, and (iii) incurs extensive obligations or substantial expenses in diligent pursuit of the specific project in reliance on the significant affirmative governmental act prior to the effective date of this ordinance.

4. Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.